

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MACI LIBBY,

PLAINTIFF

V.

HMSHOST CORPORATION,

DEFENDANT

CIVIL No. 2:15-cv-426-DBH

REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56(h)

A Local Rule 56 pre-filing conference was held on August 1, 2016.

The plaintiff originally filed a complaint in state court alleging that the defendant violated Maine's Human Rights Act for unlawful workplace sex discrimination under 5 M.R.S.A. § 4572. The defendant removed the case to federal court under diversity jurisdiction. 28 U.S.C. §§ 1332, 1441, 1446.

The complaint also alleges facts that arguably describe a situation of unlawful retaliation against the plaintiff under 5 M.R.S.A. § 4572(1)(E). However, the plaintiff separately has filed a retaliation claim that is currently before the Maine Human Rights Commission and has asked for time to resolve whether she is pursuing her retaliation claim in this case. Her lawyer stated that she is not pursuing federal claims in this lawsuit.

The defendant plans to file a motion for summary judgment.

The lawyers stated at the conference that they might be able to produce a stipulated record of many of the material facts. But summary judgment practice cannot proceed until it is determined which claims the plaintiff is pursuing.

As a result, the Court endorsed the following schedule proposed by the lawyers:

By August 19, the plaintiff shall inform the defendant whether she is pursuing the retaliation claim in addition to the workplace sex discrimination claim in this lawsuit.

By September 2, the parties shall inform the Court which claims are being pursued and shall file their proposed schedule for summary judgment briefing.

SO ORDERED.

DATED THIS 3RD DAY OF AUGUST, 2016

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE